

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

LARRY JOHN CURLEE,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 1:20-cv-00145-SAB

ORDER REQUIRING COMMISSIONER OF
SOCIAL SECURITY TO FILE NOTICE OF
STATUS OF ADMINISTRATIVE RECORD

FOURTEEN DAY DEADLINE

On January 29, 2020, Larry John Curlee (“Plaintiff”), proceeding pro se, filed this action seeking judicial review of a final decision of the Commissioner of Social Security (“Commissioner” or “Defendant”) denying an application for disability benefits pursuant to the Social Security Act. (ECF No. 1.) The summons and complaint were served on the Commissioner on February 19, 2020. (ECF No. 9.) Pursuant to the January 31, 2020 scheduling order, the Commissioner was to file the certified copy of the administrative record within one hundred and twenty days of the date of service of the complaint. (ECF No. 5 at 2.) On June 12, 2020, the Commission filed a motion to stay this action until a copy of the administrative record can be obtained. (ECF No. 11.)

According to the motion to stay, due to the COVID-19 health emergency, the Social Security Administration (“SSA”) had suspended in-office services, and specifically, the emergency had impacted the operations in the SSA’s Office of Appellate Operation in Falls Church Virginia. (ECF No. 11; Decl. Christianne Voegelle Support Def’s Mot. Stay Proceedings (“Voegelle Decl.”) ¶ j, ECF No. 11-1.) Consequently, Defendant was unable to

1 complete production of the administrative record. (Id.) When Defendant regained the ability to
2 prepare administrative records, prioritization was to be given to prepare the administrative
3 records based on date, with the oldest receipts to be processed first. (Id.)

4 Here, the Court notes that the administrative record has been filed in numerous cases that
5 had been stayed by General Order Number 615 which stayed all Social Security actions filed
6 after February 1, 2020 until the Commissioner may begin normal operations at the Office of
7 Appellate Hearings Operations and may resume preparation of a certified copy of the
8 administrative record.. This action was filed prior to February 1, 2020, and the administrative
9 records have been filed in numerous cases that were filed after February 1, 2020. This case
10 remains the oldest on this Court's docket that remains stayed.

11 Accordingly, IT IS HEREBY ORDERED that within **fourteen (14) days** of the date of
12 entry of this order, the Commissioner shall file a notice of that status of the administrative
13 record.

14
15 IT IS SO ORDERED.

16 Dated: **December 14, 2020**


UNITED STATES MAGISTRATE JUDGE